REMARKS

Claims 1, 3-5, 7, 9, 11-13, 22-26, 28, 28, 30, 39 and 40 are pending in this application, of which Claims 1, 24- 26, 39 and 40 are independent. Claims 2, 6, 10, 14-21, 27, 29 and 31-38 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 24 and 25 have been rewritten in independent form. Claims 1, 3-5, 7, 9, 11, 12, 22-26, 28 and 30 have been amended to define still more clearly what Applicants regard as their invention. Rewritten versions of canceled Claims 32 and 36 have been added as Claims 39 and 40, respectively. Favorable reconsideration is respectfully requested.

Applicants note with appreciation the indication that Claims 24 and 25 would be allowable if rewritten so as not to depend from a rejected claim and with no change in scope. Those claims have been so rewritten, and are therefore believed to be in condition for allowance.

Claims 1, 3-5, 7, 9, 11-13, 26-30, 32 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from *Eschbach* in view of *Murakami*, both of record, and Claims 22, 23 and 31 were rejected as being obvious from *Eschbach* in view of newly cited U.S. Patent 6,031,543 (Miyashita et al.).

Independent Claim 1 is directed to an image processing apparatus that comprises holding means for holding saturation information in correspondence with a plurality of attributes, segmentation means for segmenting an input image into a plurality of areas, and discriminating means for discriminating attributes of each area, and setting an attribute of the input image based on the attributes of those areas. Also provided are saturation calculation means for calculating saturation information of an area that has the set attribute, and parameter setting means for setting a parameter used to convert saturation

of the input image in accordance with the held saturation information in correspondence with the set attribute of the input image, and the calculated saturation information. Additionally, conversion means are provided for converting saturation of the input image, using the set parameter.

Thus, among other notable features of the apparatus of Claim 1, is that it is an apparatus that has an arrangement for controlling saturation of an input image according to an attribute of the input image. Because the apparatus has the recited segmentation means, means for discriminating attributes of the resulting areas, and sets an attribute for the image based on the area attributes, and then calculates saturation information using the image attribute, the apparatus is able to correct the saturation of an area that has the set attribute.

Eschbach relates to a technique for controlling a filter so as that an average saturation of an image reaches to target saturation, and (col.4, lines 39 - 45) a technique for segmenting pictorial image from nonpictorial image. Nonetheless, Applicants submit that nothing has been found, or pointed out, in *Eschbach* that would teach or suggest a technique for controlling saturation of an image according to an attribute of the image. Furthermore, even if *Eschbach* refers to segmentation processing, such segmentation processing is not performed in order to discriminate attributes of each segmented area, much less to sett an attribute of the image on the basis of such attributes of the segmented areas, and still less to calculate saturation information of an area that has such set attribute. Accordingly, it is believed to be plain that Claim 1 is allowable over *Eschbach*, taken alone (and the Examiner is understood to agree with Applicants in this regard).

Murakami relates to a technique for setting color region to be applied to color adjusting processing. *Murakami* discusses, at col 15, lines 9 - 44, a technique for

setting a valid color region where a user designates a color to be applied in color adjusting processing and a color not to be applied in the color adjusting processing. Nonetheless, nothing has been found in *Murakami* that is seen to teach or suggest the setting function recited in Claim 1, in which there are discriminated attributes of each area, and an attribute of the input image is set on the basis of the attributes of the areas. Even if *Murakami* and *Eschbach* are combined as proposed in the Office Action, therefore, and even assuming such combination would be a permissible one, the result would not meet the terms of Claim 1.

Independent Claims 26, 39 and 40 are each believed to be allowable at least by virtue of the arguments presented above with regard to Claim 1.

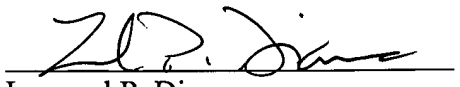
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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